

## Environmental Protection Agency

1515.413

Pricing Proposals (use Alternate I [Reserved]; Alternate II for cost-reimbursable, level of effort contracts when the Government's requirement is for fully dedicated staff for a twelve month period(s) and performance is on a Government facility; or Alternate III for cost-reimbursable, level of effort contracts when the Government's requirement is for fully dedicated staff for a twelve month period(s) and performance is not on a Government facility;

(2) 1552.215-76, General Financial and Organizational Information.

(b) The Contracting Officer shall insert the provision at 1552.215-74, Cost Proposal Instructions, in negotiated solicitations when cost or pricing data is required in an offeror's proposal and it is necessary to obtain the detailed cost data specified in the provision. While designed to obtain cost data for acquisitions under the Comprehensive Environmental Response, Compensation and Liability Act, the provision may be used in other negotiated solicitations.

[49 FR 8843, Mar. 8, 1984, as amended at 54 FR 36980, Sept. 26, 1989; 58 FR 45846, Aug. 31, 1993; 61 FR 47065, Sept. 6, 1996]

### **1515.413 Disclosure and use of information before award.**

(a) Contracting Officers shall follow the Alternate II proposal evaluation procedures in FAR 15.413-2.

(b) After receipt of proposals, none of the information contained in them or concerning the number or identity of offerors shall be made available to the public or to anyone in the Government not having a legitimate interest. In the event an outside evaluation is to be obtained, information in proposals or information concerning the number or identity of offerors shall be disclosed only to the extent authorized by and in accordance with the procedures of FAR 15.413-2(f) and these regulations, 1515.413.

(c) During the preaward or preacceptance period of a negotiated acquisition, only the contracting officer, the contracting officer's superiors having contractual authority, and others specifically authorized shall transmit technical or other information and conduct discussions with prospective contractors. Information shall not be

furnished to a prospective contractor if, alone or together with other information, it may afford the prospective contractor an advantage over others (see FAR 15.610, Written or oral discussion). However, general information that is not prejudicial to others may be furnished upon request.

(d) The Chief of the Contracting Office (CCO) is the designated official to make the decision as provided by FAR 15.413-2(f)(1).

(e) The Contracting Officer shall submit a written determination to the CCO whenever the use of FAR 15.413-2(f) procedures is contemplated. Following CCO approval, proposals may be released to non-Government employees for review and evaluation consistent with the provisions of FAR 15.413-2(f)(2)-(5).

(f) The following written certification and agreement shall be obtained from the non-Government evaluator prior to the release of any proposal to that evaluator:

#### **CERTIFICATION ON THE USE AND DISCLOSURE OF PROPOSALS**

RFP# \_\_\_\_\_  
Offeror \_\_\_\_\_

1. I hereby certify that to the best of my knowledge and belief, no conflict of interest exists that may diminish my capacity to perform an impartial, technically sound, objective review of this proposal(s) or otherwise result in a biased opinion or unfair competitive advantage.

2. I agree to use any proposal information only for evaluation purposes. I agree not to copy any information from the proposal(s), to use my best effort to safeguard such information physically, and not to disclose the contents of nor release any information relating to the proposal(s) to anyone outside of the Source Evaluation Board assembled for this acquisition or individuals designated by the Contracting Officer.

3. I agree to return to the Government all copies of proposals, as well as any abstracts, upon completion of the evaluation.

\_\_\_\_\_  
(Name and Organization)

\_\_\_\_\_  
(Date of Execution)

(End of Certificate)

(g) The Contracting Officer shall place the Government Notice for Handling Proposals (FAR 15.413-2(e)) on the

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cover pages of all proposals upon their receipt.

[53 FR 38293, Sept. 30, 1988]

### Subpart 1515.5—Unsolicited Proposals

#### 1515.506 Agency procedures.

The Director, Grants Administration Division (3903F), EPA, 401 M Street SW., Washington, DC 20460, is the Agency contact point established to coordinate the receipt and handling of unsolicited proposals.

[49 FR 8843, Mar. 8, 1984, as amended at 60 FR 21993, May 4, 1995]

#### 1515.507 Contracting methods.

The Department of Housing and Urban Development-Independent Agencies Appropriation Act contains a requirement that none of the funds provided in the Act may be used for payment through grants or contracts to recipients that do not share in the cost of conducting research resulting from proposals that are not specifically solicited by the Government. Accordingly, contracts which result from unsolicited proposals shall provide for the Contractor to bear a portion of the cost of performance for work subject to the Act. However, where there is no measurable gain to the performing organization, cost sharing is not required.

### Subpart 1515.6—Source Selection

#### 1515.600 Scope of subpart.

This subpart establishes EPA policies and procedures for the source evaluation and selection processes in competitive negotiated acquisitions.

#### 1515.602 Applicability.

FAR subpart 15.6 and this subpart apply to all competitive negotiated acquisitions in excess of \$25,000, except architect engineering services which are covered in 1536.6.

[50 FR 14359, Apr. 11, 1985]

#### 1515.603 Purpose.

EPA personnel shall conduct source evaluation and selection in accordance with consistent standards and procedures that ensure fair and impartial

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treatment of all offerors.

#### 1515.604 Responsibilities and duties.

In addition to those cited in FAR 15.604, the following responsibilities and duties are assigned:

(a) *Source Selection Official.* The Source Selection Official (SSO) is the official responsible for overall management of the source selection process. Duties of the SSO include, but are not limited to, appointing members and chairpersons of the Source Evaluation Board, the Technical Evaluation Panel (TEP), and the Business Evaluation Panel (BEP); and approving solicitation related documents. However, the Contracting Officer is responsible for approving amendments to solicitation documents. The SSO may waive in writing the requirement in 1515.612(a)(1)(v) for at least one member of the TEP to be an individual not involved in managing the current contract. The SSO also approves the competitive range determination and makes the source selection decision.

(b) *Source Evaluation Board.* The Source Evaluation Board (SEB) consists of a chairperson who is responsible for all of the procedural and administrative aspects of the SEB, and other specialists, e.g., technical, procurement, and financial, as may be deemed appropriate by the SSO. An attorney from the Office of General Counsel should serve in an advisory role to the SEB. The SEB makes recommendations to the SSO on selection of a contractor for award.

(c) *Technical Evaluation Panel (TEP).* The Program Office has the responsibility for developing the technical evaluation criteria and statement of work for the solicitation. The TEP has the responsibility for evaluating the technical aspects of the offerors' technical proposals. Based on the recommendation of the Program Office, the SSO has the discretion of assigning this evaluation responsibility to the Project Officer, if appropriate, or to the TEP. When offerors' past performance is evaluated as part of the technical proposal evaluation process, the past performance evaluation shall be